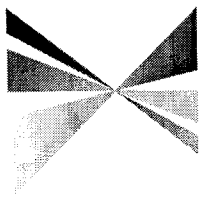


SOUTHERN CALIFORNIA



ASSOCIATION OF
GOVERNMENTS

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Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith McIlhouse, Moorpark

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MEETING OF THE

ENERGY & ENVIRONMENT COMMITTEE

PLEASE NOTE CHANGE IN MEETING LOCATION & TIME

**Thursday, June 1, 2006
10:30 a.m. - 11:30 a.m.**

**The Marina del Rey Marriott
4100 Admiralty Way
Marina del Rey, CA 90292
310.301.3000**

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Deby Salcido at 213.236.1993 or salcido@scag.ca.gov

Agendas and Minutes for the Energy & Environment Committee are also available at:

www.scag.ca.gov/committees/eec.htm

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. If you require such assistance, please contact SCAG at (213) 236-1868 at least 72 hours in advance of the meeting to enable SCAG to make reasonable arrangements. To request documents related to this document in an alternative format, please contact (213) 236-1868.

ENERGY & ENVIRONMENT COMMITTEE

AGENDA

PAGE #

TIME

*"Any item listed on the agenda (action or information)
may be acted upon at the discretion of the Committee".*

1.0 CALL TO ORDER & PLEDGE OF
ALLEGIANCE

Hon. Dennis
Washburn, Chair

2.0 ELECTION OF CHAIR/V-CHAIR

3.0 PUBLIC COMMENT PERIOD

Members of the public desiring to speak on an agenda item or items not on the agenda, but within the purview of the Committee, must fill out and present a speaker's card to the Assistant prior to speaking. A speaker's card must be turned in before the meeting is called to order. Comments will be limited to three minutes. The chair may limit the total time for all comments to twenty (20) minutes.

4.0 REVIEW and PRIORITIZE AGENDA ITEMS

5.0 CONSENT CALENDAR

5.1 Approval Item

5.1.1 Approve Minutes of May 4, 2006
Attachment

01

5.2 Receive and File

5.2.1 State & Federal Legislative Matrix
Attachment

04



SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

i

ENERGY & ENVIRONMENT COMMITTEE

AGENDA

			PAGE #	TIME
6.0	<u>ACTION ITEMS</u>			
6.1	<u>AB 2176 – Local Mandate Reimbursement Attachment</u>	Jacob Lieb SCAG Staff	26	5 Minutes
	The Solid Waste Task Force recommends support of AB 2176 which would require the State to reimburse certain mandated program costs.			
	Recommended Action: Support			
6.2	<u>AB 2296 – Closure of Solid Waste Landfills Attachment</u>	Jacob Lieb SCAG Staff	31	5 Minutes
	AB 2296 requires on-going maintenance of closed landfills.			
	Recommended Action: The Solid Waste Task Force recommends support.			
7.0	<u>INFORMATION ITEMS</u>			
7.1	<u>2007 South Coast Air Quality Management Plan Update Attachment</u>	Jonathan Nadler SCAG Staff	42	10 Minutes
	Staff will provide an update on SCAG's input to the 2007 South Coast Air Quality Management Plan.			
7.2	<u>Infrastructure Bond & Trailer Bill Summary and Presentation Attachment</u>	Don Rhodes SCAG Staff	43	10 Minutes
8.0	<u>WATER POLICY TASK FORCE REPORT</u>	Hon. Dennis Washburn, Chair		



ENERGY & ENVIRONMENT COMMITTEE

AGENDA

	PAGE #	TIME
9.0 <u>SOLID WASTE TASK FORCE REPORT</u>	Hon. Toni Young, Chair	
10.0 <u>CHAIR'S REPORT</u>	Hon. Dennis Washburn, Chair	
11.0 <u>STAFF REPORT</u>	Sylvia Patsaouras, SCAG Staff	
12.0 <u>FUTURE AGENDA ITEMS</u>		
Any Committee members or staff desiring to place items on a future agenda may make such request. Comments should be limited to three (3) minutes.		
13.0 <u>ANNOUNCEMENTS</u>		
14.0 <u>ADJOURNMENT</u>		
The next meeting of the Energy and Environment Committee will be held on July 6, 2006, at the SCAG Office.		



Energy and Environment Committee
of the
Southern California Association of Governments
May 4, 2006

Minutes

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE ENERGY AND ENVIRONMENT COMMITTEE. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Energy and Environment Committee held its meeting at the Westin Long Beach, 333 East Ocean Boulevard, Long Beach, CA 90802. The meeting was called to order by Dennis Washburn, Chair. There was a quorum.

Members Present

Bertone, Denis	SGVCOG
Campbell, Todd	City of Burbank
Carrillo, Victor	City of Imperial
Carroll, Stan	City of La Habra Heights
Clark, Margaret	City of Rosemead
Cook, Debbie	City of Huntington Beach
Eckenrode, Norman	City of Placentia
Forester, Larry	City of Signal Hill
Gafin, David	City of Downey
Marchand, Paul	City of Cathedral City
Van Arsdale, Lori	City of Hemet
Washburn, Dennis (Chair)	City of Calabasas
Young, Toni	City of Port Hueneme
Zerunyan, Frank	SBCCOB

Members Not Present

Brennan, Brian	VCOG
Eaton, Paul	City of Montclair
Hanks, Keith	City of Azusa
Harrison, Jon	City of Redlands
King, Dorothy	Gateway Cities COG
Lilburn, Penny	SANBAG
Miller, Mike	City of West Covina
Nelson, Larry (Vice-Chair)	City of Artesia
Olivas, David J.	SGVCOG
Zine, Dennis	City of Los Angeles

1.0 CALL TO ORDER & PLEDGE OF ALLEGIENCE

Hon. Dennis Washburn, Chair, called the meeting to order at 10:02 a.m.

2.0 PUBLIC COMMENT PERIOD

JoAnn Armenta, The Partnership Clean Cities Coordinator, provided information on the Southern California Clean Cities Coalition and told the Committee she would return to ask for suggestions on how the Coalition should proceed.

3.0 REVIEW and PRIORITIZE AGENDA ITEMS

4.0 CONSENT CALENDAR

It was MOVED (Denis Bertone), SECONDED (Larry Forester), ABSTAIN (Paul Marchard) to APPROVE the Minutes.

4.1 Approval Items

4.1.1 Action Minutes of April 6, 2006

4.2 Receive and File

4.2.1 State & Federal Legislative Matrix

It was MOVED (Paul Marchand), SECONDED (Denis Bertone), and UNANIMOUSLY APPROVED.

5.0 ACTION ITEMS

None

6.0 INFORMATION ITEMS

6.1 AB 2015 – South Coast Air Quality Management District: Board Membership

Don Rhodes, SCAG Staff, provided an update of the current status of the bill. After discussion it was MOVED (Margaret Clark), SECONDED (Frank Zerunyan), and APPROVED BY MAJORITY (4 No Votes) to support this bill and forward to the Regional Council for support.

6.2 Update on the Regional Comprehensive Plan – Open Space Chapter

Jacob Lieb, SCAG Staff, informed the Committee of the efforts taking place to form an Open Space Working Group, introduced Jill Eggerman, SCAG Staff, who will be working on the Open Space Chapter, and provided an update on the Open Space Chapter.

Energy and Environment Committee
May 4, 2006

Minutes

7.0 WATER POLICY TASK FORCE REPORT

The next Water Policy Task Force meeting is scheduled for June 8, 10 a.m. – 12:00 Noon at SCAG.

8.0 SOLID WASTE TASK FORCE REPORT

The next Solid Waste Task Force meeting is scheduled for May 30 at SCAG.

9.0 CHAIR'S REPORT

None

10.0 STAFF REPORT

None

11.0 FUTURE AGENDA ITEMS

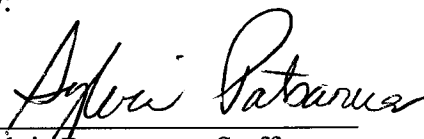
12.0 ANNOUNCEMENTS

Paul Marchand reported that on March 22, Cathedral City rolled out its conservation initiative.

13.0 ADJOURNMENT

There being no further business, Dennis Washburn, Chair, adjourned the meeting at 11:10 a.m.

Action Minutes Approved
by:



Sylvia Patsaouras, Staff
Energy and Environment

MEMO

DATE: May 10, 2006
TO: Energy and Environment Committee
FROM: Don Rhodes (x840)
SUBJECT: State & Federal Legislative Matrix

SUMMARY:

The attached legislative bill matrix provides summaries of state and federal legislation relevant to SCAG activities and items of interest.

These legislative bills are organized by subject matter in the following categories: Air Quality, Energy, Environment, GovBondBills, Solid Waste, and Water.

Bill summaries include all known on-record positions for other statewide organizations following these issues such as the California League of Cities, California State Association of Counties, CALCOG, and others. Also included for your information is each bill's position in the legislative process, including scheduled hearing dates where applicable.

Please feel free to contact me at (213)-236-1840 if you have any questions or wish to discuss any legislative bill or issue. Members of my staff are also available for your assistance; please contact Jeff Dunn at (213)-236-1880 if you have any further questions.

JSD/Doc#121857

AB 578 **AUTHOR:** Horton S (R)
TITLE: Air Pollution: Smog Check: Gold Shield Stations
INTRODUCED: 02/16/2005
LAST AMEND: 06/28/2005
DISPOSITION: Pending - Carryover
LOCATION: Senate Transportation and Housing Committee
SUMMARY:
Requires the Department of Consumer Affairs to increase the capacity of the smog check program for testing of vehicles at gold shield stations for that portion of the state vehicle fleet that is subject to inspection and that is registered in the enhanced program area. Requires the department to adopt regulations to expand the gold shield program by including gold shield stations. Requires such stations be given the authority to provide initial tests including a certain portion of the state fleet.
STATUS:
07/12/2005 In SENATE Committee on TRANSPORTATION AND HOUSING: Heard, remains in Committee.

A AB 1101 **AUTHOR:** Oropeza (D)
TITLE: Air Pollution: Diesel Magnet Sources
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
LAST AMEND: 01/26/2006
DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
SUMMARY:
Makes a facility that is a diesel magnet source subject to the Air Toxics Hot Spots Information and Assessment Act of 1987. Requires the State Air Resources Board to prepare and make available to the public a list of diesel magnet sources. Requires any facility for which an air quality district is preparing an industry wide emissions inventory or health risk assessment to provide to the district, certain information.
STATUS:
02/09/2006 To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.

CA AB 1231 **AUTHOR:** Horton J (D)
TITLE: Air Pollution
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
LAST AMEND: 01/23/2006
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:
Requires air pollution control districts to submit specified reports to the State Air Resources Board, which would in turn be required to publish the reports on its Internet Web site. Requires the State board to notify the Legislature of the existence of the reports and to provide the Legislature with the specific location where the information can be addressed, viewed, downloaded or otherwise obtained.
STATUS:
02/02/2006 To SENATE Committee on ENVIRONMENTAL QUALITY.

CA AB 1430 **AUTHOR:** Goldberg (D)
TITLE: Air Contaminants
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
LAST AMEND: 01/23/2006
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:
Requires the Advisory Committee on Environmental Justice to review each updated methodology used by air pollution control districts and air quality management districts to calculate the value of credits issued for emission reductions for stationary, mobile, indirect, and areawide sources, including those issued under market-based incentives programs, when those credits are used interchangeable, with certain requirements.

STATUS:
02/02/2006 To SENATE Committee on ENVIRONMENTAL QUALITY.
Subject: AirQuality

AB 1870

AUTHOR: Lieber (D)
TITLE: Air Pollution: Motor Vehicle Inspection, Maintenance
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/18/2006
LAST AMEND: 04/24/2006
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Requires the Department of Consumer Affairs to incorporate a visible smoke test into the motor vehicle inspection program so that any visible smoke from the tailpipe or crankcase of a motor vehicle during an inspection would result in failure of the test. Excepts steam resulting from condensation from being considered smoke. Authorizes a motor vehicle owner who disputes the failure of the test to seek resolution of the matter by contacting the state designated referee. Requires a review of the program.

STATUS:
05/04/2006 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.

AB 1901

AUTHOR: Horton S (R)
TITLE: Air Pollution: Truck Retrofit Revolving Loan Program
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/25/2006
LAST AMEND: 03/20/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Establishes the Truck Retrofit Revolving Loan Program to help finance, through direct loans, the retrofitting of trucks of large and small businesses with SmartWay Upgrade Kits that would be required to have specified emission control devices and may have other specified equipment. Creates the Truck Retrofit Revolving Loan Program to be used to provide loans for the program.

STATUS:
05/03/2006 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

CA AB 2015

AUTHOR: Lieu (D)
TITLE: South Coast Air Quality Management District: Members
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/10/2006
LAST AMEND: 04/17/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Increases the number of members on the South Coast Air Quality Management District Board to include one new member appointed by the city council of the City of Los Angeles from its membership. Adds the cities of Calabasas and Malibu to and excludes Los Angeles from the list of cities included in the western region of the County of Los Angeles. Authorizes the selection committees of the western and eastern regions of said county to meet to alter the list of cities.

STATUS:
04/24/2006 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

CA AB 2501

AUTHOR: Lieu (D)
TITLE: Aircraft Emissions: Santa Monica Airport
INTRODUCED: 02/23/2006
LAST AMEND: 04/17/2006
DISPOSITION: Pending
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/10/2006 9:00 am
SUMMARY:

Requires the Santa Monica Airport to monitor and record the engine type and operation times of the landing and takeoff operation cycles of all aircraft for one year and make this data available to the public.

000006

STATUS:

04/24/2006

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

A AB 2647

AUTHOR: Oropeza (D)
TITLE: Vehicular Air Pollution: Truck Parking Space Program
INTRODUCED: 02/24/2006
LAST AMEND: 04/18/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Establishes the Truck Parking Space Electrification Revolving Loan Program to help finance, through direct no-interest or low-interest loans provided by the Energy Resources Conservation and Development Commission, truck parking space electrification technologies by eligible applicants. Requires the commission to coordinate activities that will leverage financing for the revolving loan program and encourage joint activities to protect the public health and the environment.

STATUS:

05/03/2006

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

CA AB 2823

AUTHOR: Ruskin (D)
TITLE: Air Pollution: District Compliance Programs
INTRODUCED: 02/24/2006
LAST AMEND: 04/18/2006
DISPOSITION: Pending
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/10/2006 9:00 am
SUMMARY:

Requires an air pollution control district that has a specified population for any notice of violation of specified nuisance laws and regulations, to post a copy of the notice of violation on the district's Internet Web site, no more than 2 days after ensuring that the information on the notice is accurate.

STATUS:

04/24/2006

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

CA AB 2824

AUTHOR: Ruskin (D)
TITLE: Air Pollution: Air Toxics Emissions Inventory
INTRODUCED: 02/24/2006
LAST AMEND: 04/18/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires the State Air Resources Board to make the Internet Web site created by the board to be more user-friendly and accessible to the general public. Requires the air districts to submit to the state board specified updated air toxics emissions inventory data.

STATUS:

04/26/2006

From ASSEMBLY Committee on EDUCATION: Be re-referred to Committee on APPROPRIATIONS.

CA AB 2825

AUTHOR: Ruskin (D)
TITLE: Schoolsites: Hazardous Emissions and Substances
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/24/2006
LAST AMEND: 05/03/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires the identification of both existing and proposed facilities that emit hazardous air emissions or handle extremely hazardous substances, hazardous substances, or hazardous waste, within a school district's authority. Requires an appropriate planning commission report to contain information included in an environmental impact report or negative declaration as required. Requires a school district governing board to provide a response to the commission's report if the report does not favor acquisition.

STATUS:

05/03/2006

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

000007

AB 2880

AUTHOR: Lieu (D)
TITLE: Integrated Waste Management Board: Green Buildings
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/24/2006
LAST AMEND: 04/04/2006
DISPOSITION: Pending
COMMITTEE: Assembly Appropriations Committee
HEARING: 05/10/2006 9:00 am
SUMMARY:

Requires the Integrated Waste Management Board to gather, analyze, and make available to the public, in part through a Web site, public resources about green buildings. Requires the board to establish an advisory committee and see the advice of the committee in developing, maintaining, and updating the Web site.

STATUS:

04/24/2006

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

A AB 2924

AUTHOR: Arambula (D)
TITLE: Environmental Protection: Financial Alternatives
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/24/2006
LAST AMEND: 04/20/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires any person or entity that receives funding from the state for reducing greenhouse gas emissions to report its greenhouse gas emissions. Requires the Climate Action Registry to report to the Legislature annually regarding greenhouse gas emissions.

STATUS:

04/24/2006

Withdrawn from ASSEMBLY Committee on REVENUE AND TAXATION.

04/24/2006

Re-referred to ASSEMBLY Committee on APPROPRIATIONS.

CA SB 44

AUTHOR: Kehoe (D)
TITLE: General Plans: Air Quality Element
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/04/2005
LAST AMEND: 05/17/2005
DISPOSITION: Pending
FILE: A-37
LOCATION: Assembly Inactive File
SUMMARY:

Requires the legislative body of each city and county located in specified areas to either adopt an air quality element as part of its general plan or amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing elements that occurs after a specified date. Requires cities and counties to comply by a certain date.

STATUS:

01/17/2006

In ASSEMBLY. Reconsideration granted.

01/17/2006

In ASSEMBLY. To Inactive File.

Position:

SCAG-Opp 06/02/2005

Subject:

AirQuality, LandUse

CA SB 250

AUTHOR: Campbell (R)
TITLE: Hydrogen Fuel Standards
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/15/2005
LAST AMEND: 06/21/2005
DISPOSITION: Pending - Carryover
LOCATION: Assembly Appropriations Committee
SUMMARY:

Adds hydrogen fuels to provisions of existing law for use in internal combustion engines and fuel cells in

000098

motor vehicles. Requires the Department Food and Agriculture to initially establish specifications for hydrogen fuels and fuel cells for these purposes, until a standards development organization accredited by the American National Standards Institute (ANSI) adopts standards. Requires the department then adopt the latest standards established by the ANSI standards development organization.

STATUS:

07/05/2005

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

Position:

CALCOG-Sup

Subject:

AirQuality, Energy, Transport

SB 459

AUTHOR:

Romero (D)

TITLE:

Air Pollution: South Coast District: Locomotives

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/18/2005

LAST AMEND:

04/12/2005

DISPOSITION:

Pending - Carryover

LOCATION:

Assembly Transportation Committee

SUMMARY:

Authorizes the South Coast Air Quality Management District to adopt a locomotive emission impact mitigation fee to be imposed on railroad companies that operate in whole or in part within the Counties of Los Angeles, Orange, Riverside, or San Bernardino, if specified requirements are met. Authorizes the district to expend revenues derived from the mitigation fee in a manner that directly reduces air contaminants or reduces the public health risks.

STATUS:

06/27/2005

In ASSEMBLY Committee on TRANSPORTATION: Heard, remains in Committee.

Subject:

AirQuality, Transport

CA SB 757

AUTHOR:

Kehoe (D)

TITLE:

Oil Conservation, Efficiency and Alternative Fuels Act

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/22/2005

LAST AMEND:

02/27/2006

DISPOSITION:

Pending

LOCATION:

Assembly Transportation Committee

SUMMARY:

Enacts the Oil Conservation, Efficiency and Alternative Fuels Act. Requires state agencies to take the state's transportation energy goals into account in adopting rules and regulations. Requires a report assessing specified violations of air pollution, water pollution, and hazardous waste regulations by each oil refinery and the disposition of the violations. Requires Cal-EPA to submit an assessment of the transportation energy conservation, efficiency and any alternative fuel policies that are adopted.

STATUS:

02/27/2006

From ASSEMBLY Committee on TRANSPORTATION with author's amendments.

02/27/2006

In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.

Subject:

AirQuality

CA SB 764

AUTHOR:

Lowenthal (D)

TITLE:

Air Resources: South Coast Air District: Ports

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/22/2005

LAST AMEND:

04/17/2006

DISPOSITION:

Pending

LOCATION:

Assembly Transportation Committee

SUMMARY:

Requires the Port of Los Angeles and the Port of Long Beach to develop a baseline for air quality for their respective ports, in consultation with specified agencies. Requires the air quality baseline to be based on the level of emissions from specified sources. Requires each port to hold public hearings on the baseline data and discuss potential mitigation and control measures to reduce emissions from sources at the port. Authorizes a fine for exceeding emissions.

STATUS:

04/17/2006

From ASSEMBLY Committee on TRANSPORTATION with author's

000009

04/17/2006

amendments.

In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.

Subject:

AirQuality, Transport

SB 1252

AUTHOR: Florez (D)
TITLE: Air Pollution: Penalties: Particulate Matter
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/08/2006
LAST AMEND: 04/25/2006
DISPOSITION: Pending
LOCATION: Senate Appropriations Committee
SUMMARY:

Permits the Air Resources Board or any air pollution control or air quality management district to impose, in addition to any other civil and criminal penalties, a civil penalty per violation for any discharge of specified particulate matter in violation of state or federal ambient air quality standards or rule, regulation, standard, or order adopted by the board or a district, or a permit issued by the board or a district. Provides for an increase in the penalty after a specified date.

STATUS:

05/08/2006

In SENATE Committee on APPROPRIATIONS: To Suspense File.

A SB 1829

AUTHOR: Lowenthal (D)
TITLE: Marine Terminals: Air Emissions
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/24/2006
LAST AMEND: 04/25/2006
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 05/15/2006 1:30 pm
SUMMARY:

Requires each marine terminal to operate in a manner that does not cause trucks to idle or queue for more than a specified period while waiting to enter the terminal or for more than that same period per transaction from the first point of entry into the terminal until the time the truck has passed through the final exit gate. Provides for a fine for a violation or for trying to circumvent these requirements. Provides that it is not a violation if the wait is due to specified events.

STATUS:

05/08/2006

In SENATE Committee on APPROPRIATIONS: Not heard.

US S 131

SPONSOR: Inhofe (R)
TITLE: Air Pollution
INTRODUCED: 01/24/2005
DISPOSITION: Pending
LOCATION: Senate Environment and Public Works Committee
SUMMARY:

A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program.

STATUS:

03/09/2005

In SENATE Committee on ENVIRONMENT AND PUBLIC WORKS:
Consideration and mark-up session held.

Private file: Energy

AB 1165

AUTHOR: Bogh (R)
TITLE: Energy Agency Reorganization
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
LAST AMEND: 08/31/2005
DISPOSITION: Pending - Carryover
LOCATION: Senate Energy, Utilities and Communications Committee
SUMMARY:
Abolishes the Energy Resources and Conservation Commission, the Consumer Power and Conservation Financing Authority and the Electricity Oversight Board. Creates the Department of Energy, the Energy Commission and the Office of Energy Market Oversight within the department. Provides for the powers, duties and responsibilities of the new organizations.
STATUS:
01/05/2006 Withdrawn from SENATE Committee on RULES.
01/05/2006 Re-referred to SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.

A AB 1362

AUTHOR: Levine (D)
TITLE: Renewable Portfolio Standard Program
INTRODUCED: 02/22/2005
LAST AMEND: 07/12/2005
DISPOSITION: Pending - Carryover
FILE: A-16
LOCATION: Senate Inactive File
SUMMARY:
Revises and recasts intent language in the Renewable Energy Resources Program so that the amount of electricity generated per year from renewable energy resources is increased to an amount that equals at least 20% of the total electricity generated for consumption in the state by 2010. Restates the target of the renewables portfolio standard to increase the amount of electricity procured from eligible renewable energy resources, so it equals 20% of the electricity sold at retail in the per year by 2010.
STATUS:
08/29/2005 In SENATE. To Inactive File.
Subject: Energy

CA AB 2104

AUTHOR: Lieber (D)
TITLE: Energy: Alternate Rates for Energy Program
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2006
LAST AMEND: 04/05/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Requires the Public Utilities Commission to improve the California Alternate Rates for Energy application process for tenants of a mobilehome park, apartment building, or similar residential complex receiving electric or gas service from a master-meter customer through a submetered system by developing processes whereby electrical and gas corporations are able to directly accept applications from tenants and directly notify and provide renewal applications to existing program customers.
STATUS:
04/26/2006 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

CA AB 2321

AUTHOR: Canciamilla (D)
TITLE: Energy: Governor's Green Action Team
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2006
LAST AMEND: 05/03/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Establishes the Governor's Green Action Team. Specifies a primary mission of overseeing and directing progress towards reducing electricity purchases for state-owned buildings and to achieve comparable reductions in electricity purchases for other entities of state government, for local government, for

000011

schools and for commercial buildings.

STATUS:

05/03/2006

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

A AB 2390

AUTHOR: Assembly Utilities and Commerce Committee
TITLE: Public Utilities Commission: Rehearings
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/23/2006
LAST AMEND: 05/02/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires the Public Utilities Commission to notify the parties of the issuance of an order or decision by mail or electronic transmission. Requires the commission to adopt rules to implement this provision. Revises the definition of date of issuance to mean the mailing or electronic transmission date that is stamped on the official version of the order or decision. Specifies that the issuance of a decision or the granting of an application is to be construed to have occurred on issuance.

STATUS:

05/02/2006

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA SB 1

AUTHOR: Murray (D)
TITLE: State Solar Initiative
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 12/06/2004
LAST AMEND: 05/08/2006
DISPOSITION: Pending
FILE: 127
LOCATION: Assembly Third Reading File
SUMMARY:

Requires a seller of production homes to offer the option of a solar energy system to all customers negotiating the purchase of such home and to disclose certain information. Allows a bypass of this requirement for the installation of a solar energy system in such homes. Requires the Public Utilities Commission on implementing the State Solar Initiative to award monetary incentives for eligible solar energy systems, to adopt a performance-based incentive program including energy efficiency improvements.

STATUS:

05/09/2006

In ASSEMBLY. Read second time. To third reading.

Subject:

Environment

CA SB 107

AUTHOR: Simitian (D)
TITLE: Renewable Energy
INTRODUCED: 01/20/2005
LAST AMEND: 08/30/2005
DISPOSITION: Pending - Carryover
FILE: 120
LOCATION: Assembly Third Reading File
SUMMARY:

Revises and recasts language so the amount of electricity generated per year from eligible renewable energy resources is increased to an amount that equals at least 20% of the total electricity sold to retail customers per year by December 31, 2010. Provides an exemption. Requires the Energy Commission to develop mechanisms for renewable energy credits and to include an assessment of increasing electricity from renewable resources in its energy report. Relates to payments to out of state facilities.

STATUS:

08/31/2005

In ASSEMBLY. Read second time. To third reading.

Subject:

Energy

CA SB 426

AUTHOR: Simitian (D)
TITLE: Energy Resources Conservation Liquified Natural Gas
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2005
LAST AMEND: 08/31/2005

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DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

Requires the Energy Resources Conservation and Development Commission to make a liquefied natural gas (LNG) needs assessment study to assess demand and supply for natural gas and alternatives thereto to meet energy demands and to determine the number of LNG terminals needed to meet the projected natural gas demand; requires, with respect to any LNG terminal that requires a certificate of public convenience and necessity, no certificate be issued unless the terminal has obtained a permit; requires hearings.

STATUS:

01/12/2006

In SENATE. Ordered returned to ASSEMBLY. *****To ASSEMBLY.

Subject:

Energy, Transport

CA SB 1048

AUTHOR:

Machado (D)

TITLE:

Electrical Restructuring: Distributed Energy Resources

INTRODUCED:

02/22/2005

LAST AMEND:

04/14/2005

DISPOSITION:

Pending - Carryover

LOCATION:

ASSEMBLY

SUMMARY:

States the intent of the Legislature to develop distributed generation projects for generating electricity utilizing natural gas produced in association with oil production in the state, and that these projects reduce air pollution, economically benefit electricity consumers, and provide economic benefits for the owners of facilities for the generation of electricity.

STATUS:

05/09/2005

In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

Subject:

AirQuality, Energy

CA SB 1505

AUTHOR:

Lowenthal (D)

TITLE:

Fuel: Hydrogen Alternative Fuel

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/23/2006

LAST AMEND:

04/17/2006

DISPOSITION:

Pending

LOCATION:

Senate Appropriations Committee

SUMMARY:

Declares the legislature's intent that, when the state hydrogen highway blueprint plan is implemented, it be done so in a clean and environmentally responsible and advantageous manner. Requires the state Air Resources Board to adopt regulations that will ensure that state funding for the production and use of hydrogen fuel contributes to the reduction of greenhouse gas, criteria air pollutant and toxic air contaminant emissions.

STATUS:

05/08/2006

In SENATE Committee on APPROPRIATIONS: To Suspense File.

CA SB 1539

AUTHOR:

Kehoe (D)

TITLE:

San Diego Assn. of Governments Energy Working Group

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

INTRODUCED:

02/23/2006

LAST AMEND:

04/18/2006

DISPOSITION:

Pending

FILE:

24

LOCATION:

Senate Second Reading File

SUMMARY:

States the intent of the Legislature that regional planning and implementation of energy-related policy by the SANDAG Energy Working Group, or a coalition of entities in the San Diego region, or both, should occur and that the development and implementation of energy management plans to advise local governments in the effective implementation of renewable energy projects, green building options, and energy efficiency should occur. .

STATUS:

05/08/2006

From SENATE Committee on APPROPRIATIONS: To second reading without further hearing pursuant to Senate Rule 28.8.

CA SB 1554

AUTHOR:

Bowen (D)

TITLE:

Local Public Utilities: Cost Responsibility Surcharge

000013

INTRODUCED: 02/23/2006
DISPOSITION: Pending
LOCATION: Senate Second Reading File
SUMMARY:

Prohibits the Public Utilities Commission from imposing any charge, including a cost responsibility surcharge, on a customer of a local publicly owned electric utility if the customer's location has not previously received service from an electrical corporation.

STATUS:

05/02/2006 From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS:
Do pass as amended.

SB 1705

AUTHOR: Ashburn (R)
TITLE: California Environmental Quality Act
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/24/2006
LAST AMEND: 04/05/2006
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Relates to the California Environmental Quality Act. Authorizes a lead agency to adopt a negative declaration or mitigated negative declaration for a proposed project to upgrade, replace or modify an energy infrastructure that is undertaken along an existing energy corridor, or utility right of way, returns the habitat on the energy corridor or right-of-way to preexisting conditions or enhances the habitat environment, and the project proponent posts an amount sufficient to cover habitat restoration.

STATUS:

04/06/2006 Withdrawn from SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.

04/06/2006 Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

SA SB 1833

AUTHOR: Kehoe (D)
TITLE: Electrical Restructuring: Energy Prices
INTRODUCED: 02/24/2006
LAST AMEND: 04/18/2006
DISPOSITION: Pending
FILE: 47
LOCATION: Senate Second Reading File
SUMMARY:

Relates to electrical restructuring. States the intent of the Legislature to review, and to enact legislation relative to requirements in existing law for how the Public Utilities Commission is to determine the energy prices paid to qualifying facilities by an electrical corporation.

STATUS:

05/08/2006 From SENATE Committee on APPROPRIATIONS: To second reading without further hearing pursuant to Senate Rule 28.8.

Private file: Environment

AB 2878

AUTHOR: Ruskin (D)
TITLE: Green Buildings Standards
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/24/2006
LAST AMEND: 03/28/2006
DISPOSITION: Pending
LOCATION: Assembly Business and Professions Committee
SUMMARY:

Enacts the Green Building Act of 2006. Requires the Integrated Waste Management Board to develop and adopt regulations green for green building standards for the construction or renovation of state buildings. Requires the regulations to incorporate specified minimum standards. Requires the board to consult with specified entities and to hold public workshops in developing the standards. Requires, as of a specified date, any new construction or renovation, or lease to incorporate those standards.

STATUS:

04/03/2006 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on BUSINESS AND PROFESSIONS.

A SB 153

AUTHOR: Chesbro (D)
TITLE: Clean Water, Safe Parks, Coastal Protection
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/08/2005
LAST AMEND: 09/02/2005
DISPOSITION: Pending - Carryover
LOCATION: Assembly Appropriations Committee
SUMMARY:

Enacts the California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006. Authorizes for the purposes of financing a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational and water resources in the state, the issuance of bonds, pursuant to the General Obligation Bond Law, of bonds in a specified amount.

STATUS:

09/02/2005 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.

09/02/2005 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

Subject: AirQuality, Environment, Water

CA SB 427

AUTHOR: Hollingsworth (R)
TITLE: Environmental Quality Act: Scoping Meetings
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2005
LAST AMEND: 01/04/2006
DISPOSITION: Pending
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Relates to the Environmental Quality Act that requires at least one scoping meeting for a project and requires the lead agency to consult with transportation planning agencies that could be affected by a project. Requires notice of at least one scoping meeting be provided to those planning agencies required to be consulted concerning the project and to require in the consultation, the project's effect on overpasses, on-ramps, and off-ramps.

STATUS:

02/16/2006 To ASSEMBLY Committee on NATURAL RESOURCES.

Position: CALCOG-Sup

AB 127	AUTHOR: Nunez (D) TITLE: Education Facilities: Kindergarten-University Bond Act FISCAL COMMITTEE: no URGENCY CLAUSE: yes INTRODUCED: 01/13/2005 LAST AMEND: 05/04/2006 DISPOSITION: To Governor LOCATION: Enrolled SUMMARY: Enacts the Kindergarten-University Public Education Facilities Bond Act of 2006. Authorizes a specified amount in state general obligation bonds to provide aid to school districts, county superintendents of schools, county boards of education, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities. STATUS: 05/08/2006 Enrolled.
AB 140	AUTHOR: Nunez (D) TITLE: Disaster Preparedness and Flood Prevention Bonds FISCAL COMMITTEE: no URGENCY CLAUSE: yes INTRODUCED: 01/13/2005 LAST AMEND: 05/04/2006 DISPOSITION: To Governor LOCATION: Enrolled SUMMARY: Enacts the Disaster Preparedness and Flood Prevention Bond Act of 2006. Authorizes the issuance of a specified amount of bonds for the purposes of financing disaster preparedness and flood prevention projects. STATUS: 05/08/2006 Enrolled.
CA AB 142	AUTHOR: Nunez (D) TITLE: Flood Control: Levee Repair and Flood Control FISCAL COMMITTEE: no URGENCY CLAUSE: yes INTRODUCED: 01/13/2005 LAST AMEND: 05/04/2006 DISPOSITION: To Governor LOCATION: Enrolled SUMMARY: Appropriates a specified amount of funds to the Department of Water Resources for levee evaluation and repair, and related work, and flood control system improvements. Requires that the levee repairs for those critical levee erosion sites identified under a specified Governor's executive order be made with funds appropriated. STATUS: 05/08/2006 Enrolled.
CA AB 1039	AUTHOR: Nunez (D) TITLE: Government: Environment: Bonds: Transportation FISCAL COMMITTEE: no URGENCY CLAUSE: no INTRODUCED: 02/22/2005 LAST AMEND: 05/04/2006 DISPOSITION: To Governor LOCATION: Enrolled SUMMARY: Exempts specified levee, highway and bridge retrofit projects from the California Environmental Quality Act. Provides for a master environmental impact report for a plan adopted by the Department of Transportation for improvements to segments of Highway 99 funded by specified bond funds. Consents the jurisdiction of federal courts to the surface transportation project delivery pilot program. Provides for a consolidated permit or approval for urgent levee repairs funded by specified bond funds. STATUS: 05/08/2006 Enrolled.

AB 1467

AUTHOR: Nunez (D)
TITLE: Transportation Projects: Facilities: Partnerships
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
LAST AMEND: 05/04/2006
DISPOSITION: To Governor
LOCATION: Enrolled
SUMMARY:

Authorizes the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Authorizes regional transportation agencies to apply to develop and operate high-occupancy toll lanes. Limits the number of such projects.

STATUS:
 05/08/2006 Enrolled.

CA SB 837

AUTHOR: Dutton (R)
TITLE: Alternative Protest Pilot Project
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
ENACTED: 09/22/2005
DISPOSITION: Enacted
LOCATION: Chaptered
CHAPTER: 272
SUMMARY:

Amends the Alternative Protest Pilot Project in connection with state agency acquisition of goods and services, including the acquisition of information technology goods and services. Deletes the repeal date and minimum contract attainment provisions required of the pilot project. Renames the project as the Alternative Protest Process. Requires the department to submit a report and recommendations regarding the process.

STATUS:
 09/22/2005 Signed by GOVERNOR.
 09/22/2005 Chaptered by Secretary of State. Chapter No. 272

CA SB 1266

AUTHOR: Perata (D)
TITLE: Highway Safety, Traffic Reduction, Air Quality
FISCAL COMMITTEE: no
URGENCY CLAUSE: yes
INTRODUCED: 02/09/2006
LAST AMEND: 05/04/2006
DISPOSITION: To Governor
LOCATION: Enrolled
SUMMARY:

Enacts the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Authorizes a specified amount of general obligation bonds for transportation corridor improvements, trade infrastructure and port security projects, schoolbus retrofit, transportation improvements, transit and rail improvements, state-local transportation projects, transit security, local bridge retrofit, highway-railroad grade and crossing projects, highway rehabilitation, local street and road improvements.

STATUS:
 05/08/2006 Enrolled.

CA SB 1689

AUTHOR: Perata (D)
TITLE: Housing and Emergency Shelter Trust Fund Act
FISCAL COMMITTEE: no
URGENCY CLAUSE: yes
INTRODUCED: 02/24/2006
LAST AMEND: 05/04/2006
DISPOSITION: To Governor
LOCATION: Enrolled
SUMMARY:

Enacts the Housing and Emergency Shelter Trust Fund Act of 2006. Authorizes the issuance of a specified amount of general obligation funds of which the proceeds will be used to finance various

existing housing program, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. Establishes the Transit-Oriented Development Implementation Program to receive funding from the proceeds of the bond act.

STATUS:

05/08/2006

Enrolled.

A SCA 7

AUTHOR: Torlakson (D)
TITLE: Transportation Investment Fund
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/15/2005
ADOPTED: 05/09/2006
DISPOSITION: Adopted
LOCATION: Chaptered
CHAPTER: 49
SUMMARY:

Proposes an amendment to the Constitution to authorize a suspension, in whole or in part, of a transfer of motor vehicle fuel sales tax funds to the Transportation Investment Fund for a fiscal year under certain circumstances. Prohibits a suspension from occurring more than twice during a period of 10 consecutive fiscal years. Prohibits a suspension in any fiscal year in which a required repayment from a prior suspension has not been fully completed.

STATUS:

05/09/2006

Chaptered by Secretary of State.

05/09/2006

Resolution Chapter No. 49

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Private file: SolidWaste

AB 1333

AUTHOR: Frommer (D)
TITLE: Grease Waste Haulers
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2005
LAST AMEND: 04/27/2006
DISPOSITION: Pending
FILE: 128
LOCATION: Senate Third Reading File
SUMMARY:

Prohibits a grease waste hauler from removing grease from a greasetrap or interceptor unless the hauler removes all grease, grease liquid, water, and solids from the trap or interceptor each time of removal. Subjects a hauler to a civil penalty for a violation. Allows for the enforcement of these provisions only against a grease waste hauling company. Provides distribution of civil penalties. Makes it an offense for a hauler to reinsert or to improperly deposit grease in specified ways. Provides exceptions.

STATUS:

05/01/2006 In SENATE. Read second time. To third reading.

A AB 1992

AUTHOR: Canciamilla (D)
TITLE: Solid Waste: Dumping
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/09/2006
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Provides that the placing of solid waste on private property, without the owner's consent is a misdemeanor.

STATUS:

05/04/2006 To SENATE Committee on ENVIRONMENTAL QUALITY.

CA AB 2118

AUTHOR: Matthews (D)
TITLE: Solid Waste
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/17/2006
LAST AMEND: 05/03/2006
DISPOSITION: Pending
LOCATION: Assembly Utilities and Commerce Committee
SUMMARY:

Defines the terms composting operation and composting facility for purposes of the Integrated Waste Management Act. Provides that it is not to be interpreted as authorizing the State Integrated Waste Management Board or enforcement agencies to establish or permit terms and conditions over aspects of conversion technology processes that are within the jurisdiction of specified state and local agencies. Provides that the intent of the bill is to develop a definition for conversion technology.

STATUS:

05/03/2006 From ASSEMBLY Committee on UTILITIES AND COMMERCE with author's amendments.

05/03/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND COMMERCE.

CA AB 2147

AUTHOR: Harman (R)
TITLE: Solid Waste: Compostable Plastic Food Containers
FISCAL COMMITTEE: no
URGENCY CLAUSE: no
INTRODUCED: 02/21/2006
DISPOSITION: Pending
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Prohibits a person from selling a compostable plastic food or beverage container that is labeled as biodegradable, compostable or similarly described unless the container meets a current ASTM standard specification for the term used on the label.

STATUS:

000019

05/04/2006

To SENATE Committee on ENVIRONMENTAL QUALITY.

AB 2206

AUTHOR: Montanez (D)
TITLE: Recycling: Multifamily Dwellings.
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/22/2006
LAST AMEND: 03/27/2006
DISPOSITION: Pending
FILE: 60
LOCATION: Assembly Third Reading File
SUMMARY:

Requires local jurisdictions to report on the progress made in the diversion and recycling of waste material at multifamily dwellings in their annual report to add an additional factor related to diversion and recycling of solid waste from multifamily dwellings that the Integrated Waste Management Board would be required to consider in determining the appropriateness of imposing penalties on a local jurisdiction. Requires the board to make available model ordinances for solid waste reduction.

STATUS:

05/01/2006

In ASSEMBLY. Read second time. To third reading.

A AB 2896

AUTHOR: Karnette (D)
TITLE: Commercial Transportation Development Council
INTRODUCED: 02/24/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Creates the Commercial Transportation Development Council to review and collect data and to provide advice concerning the needs of commercial transportation in the state.

STATUS:

04/19/2006

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

A AB 3001

AUTHOR: Pavley (D)
TITLE: Electronic Waste: Personal Computers
INTRODUCED: 02/24/2006
LAST AMEND: 04/17/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Relates to electronic waste. Provides that a covered electronic device also includes a personal computer. Requires a retailer to collect of fee from the consumer at the time of the retail sale of the personal personal computer.

STATUS:

05/03/2006

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

CA SB 369

AUTHOR: Simitian (D)
TITLE: Solid Waster: Tire Recycling
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/17/2005
LAST AMEND: 01/19/2006
DISPOSITION: Pending
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Relates to existing law that authorizes the Integrated Waste Management Board to implement a program to award grants to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete. Provides for recommencement of the grant program. Provides for a new inoperative and repeal date.

STATUS:

02/16/2006

To ASSEMBLY Committee on NATURAL RESOURCES.

CA SB 928

AUTHOR: Perata (D)
TITLE: Public Resources: Solid Waste
INTRODUCED: 02/22/2005
LAST AMEND: 05/02/2005
DISPOSITION: Pending - Carryover
LOCATION: Assembly Natural Resources Committee

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SUMMARY:

Changes that percentage to an unspecified amount a city or county source reduction element to divert of all solid waste from landfill disposal of transformation through source reduction, recycling, and composting activities. Deletes the reference in existing law to the additional authority of the board to grant a time extension for diversion requirements.

STATUS:

06/09/2005

To ASSEMBLY Committee on NATURAL RESOURCES.

Subject:

SolidWaste

S HR 879

SPONSOR:

Dingell (D)

TITLE:

Solid Waste Disposal Act

INTRODUCED:

02/17/2005

DISPOSITION:

Pending

LOCATION:

House Energy and Commerce Committee

SUMMARY:

Amends the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination.

STATUS:

03/14/2005

In HOUSE Committee on ENERGY AND COMMERCE: Referred to Subcommittee on ENVIRONMENT AND HAZARDOUS MATERIALS.

Private file: Water

A AB 802

AUTHOR: Wolk (D)
TITLE: Land Use: Water Supply
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/18/2005
LAST AMEND: 01/23/2006
DISPOSITION: Pending
LOCATION: Senate Local Government Committee
SUMMARY:

Requires, upon the adoption of the general plan, the amendment of the conservation element, or the amendment of 2 or more elements of the general plan, the conservation element of the general plan to cover flood management and to consider, among other things, the existing water supply and the possible means of using flood water to supplement that supply to the general plan to include assessments of both the risk to life and property from flooding and minimization of flooding risks.

STATUS:

02/02/2006 To SENATE Committee on LOCAL GOVERNMENT.
Subject: Water

CA AB 1839

AUTHOR: Laird (D)
TITLE: Water: Flood Protection and Clean, Safe Water Supply
INTRODUCED: 01/10/2006
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

Enacts the Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010. Authorizes the issuance of bonds for the purposes of financing specified flood protection and water management programs, as scheduled.

STATUS:

01/10/2006 INTRODUCED.

CA AB 1877

AUTHOR: Nakanishi (R)
TITLE: Natural Community Conservation Plan
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 01/19/2006
LAST AMEND: 04/27/2006
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Requires the Department of Fish and Game to enter into a planning agreement with the state Reclamation Board to prepare a natural community conservation plan that encompasses the Sacramento and San Joaquin Drainage District, to provide comprehensive management and conservation of multiple wildlife species. Exempts from lake or streambed alteration agreement and notice provisions of existing law, a flood control or flood management activity identified in any implementation agreement for that plan.

STATUS:

04/27/2006 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA AB 2026

AUTHOR: Aghazarian (R)
TITLE: Flood Control
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
INTRODUCED: 02/14/2006
DISPOSITION: Pending
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Relates to flood control activities along the Sacramento and San Joaquin rivers, their tributaries and related areas. Requires the Reclamation Board in the Department of Water Resources to give highest consideration to its mission to protect the health and safety of the public, and to give due consideration to fish and wildlife, recreation and environmental factors.

STATUS:

04/24/2006 In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.

000022

AB 2396	AUTHOR: Calderon (D) TITLE: Metropolitan Water Districts INTRODUCED: 02/23/2006 DISPOSITION: Pending LOCATION: ASSEMBLY SUMMARY: Relates to the Metropolitan Water District Act. Amends the act to change the composition of the board of directors and to provide for the direct election of members of the board by voters residing in the service area of the district. STATUS: 02/23/2006 INTRODUCED.
A AB 2518	AUTHOR: Houston (R) TITLE: Environmental Quality Act FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/23/2006 LAST AMEND: 03/27/2006 DISPOSITION: Pending LOCATION: Assembly Natural Resources Committee SUMMARY: Relates to the California Environmental Quality Act. Exempts from the act that action taken by a city or county housing and community development agency or a city or county housing finance agency as it relates to financial assistance or insurance for the development and construction of residential housing for persons and families of low or moderate income if that project is the subject of the application for financial assistance of insurance that will be reviewed pursuant to the act. STATUS: 04/24/2006 In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.
CA SB 1166	AUTHOR: Aanestad (R) TITLE: Flood Protection & Clean, Safe, Reliable Water Supply INTRODUCED: 01/10/2006 DISPOSITION: Pending LOCATION: Senate Natural Resources and Water Committee SUMMARY: Enacts the Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010. Authorizes the issuance and sale of bonds for the purposes of financing specified flood protection and water management programs. Imposes an annual water resources capacity charge on each retail water supplier in the state based on the number and types of water connections in its service area according to a prescribed schedule. STATUS: 01/19/2006 To SENATE Committee on NATURAL RESOURCES AND WATER.
CA SB 1506	AUTHOR: Margett (R) TITLE: Department of Water Resources: Water Projects: Energy FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/23/2006 LAST AMEND: 03/30/2006 DISPOSITION: Pending LOCATION: ASSEMBLY SUMMARY: Exempts, for purposes of the State Water Project, certain contracts and agreements relating to the purchase and sale of electric power or natural gas entered into by the Department of Water Resources for those purposes. Exempts those contracts from specified state contracting law, if the department determines that the application of those contracting laws is detrimental to the purposes of the State Water Project. STATUS: 05/04/2006 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.
CA SB 1557	AUTHOR: Ducheny (D) TITLE: Coachella Valley Water District: Nonpotable Water FISCAL COMMITTEE: yes URGENCY CLAUSE: no INTRODUCED: 02/23/2006 LAST AMEND: 05/03/2006

DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 05/15/2006 1:30 pm
SUMMARY:

Prohibits a person or local public agency from using, within the Coachella Valley Water District's service area, water from any source that is suitable for potable domestic use for nonpotable uses if the board of directors of the district determines that suitable nonpotable water is available.

STATUS:

05/03/2006 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

5 HR 18 **SPONSOR:** Baca (D)
TITLE: Groundwater Remediation Program
INTRODUCED: 01/04/2005
LAST AMEND: 04/12/2005
DISPOSITION: Pending
LOCATION: Senate Energy and Natural Resources Committee
SUMMARY:
To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long - term groundwater remediation program in California, and for other purposes.
STATUS:
04/13/2005 In SENATE. Read second time.
04/13/2005 To SENATE Committee on ENERGY AND NATURAL RESOURCES.

JS HR 125 **SPONSOR:** Issa (R)
TITLE: Santa Margarita River
INTRODUCED: 01/04/2005
LAST AMEND: 12/13/2005
DISPOSITION: Pending
LOCATION: Senate Environment and Public Works Committee
SUMMARY:
Authorizes the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.
STATUS:
12/14/2005 In SENATE. Read second time.
12/14/2005 To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.

US HR 135 **SPONSOR:** Linder (R)
TITLE: Comprehensive Water Strategy
INTRODUCED: 01/04/2005
DISPOSITION: Pending
LOCATION: Senate Environment and Public Works Committee
SUMMARY:
Establishes the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.
STATUS:
04/13/2005 In SENATE. Read second time.
04/13/2005 To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.

US HR 186 **SPONSOR:** Pombo (R)
TITLE: Groundwater Remediation Program
INTRODUCED: 01/04/2005
DISPOSITION: Pending
LOCATION: Senate Energy and Natural Resources Committee
SUMMARY:
Authorizes the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long - term groundwater remediation program in California, and for other purposes.
STATUS:
03/15/2005 In SENATE. Read second time.
03/15/2005 To SENATE Committee on ENERGY AND NATURAL RESOURCES.

US HR 469 **SPONSOR:** Kolbe (R)

000024

TITLE: Hydrogeologic Characterization
INTRODUCED: 02/01/2005
DISPOSITION: Pending
LOCATION: House Resources Committee
SUMMARY:

To authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

STATUS:

02/01/2005 INTRODUCED.
02/01/2005 To HOUSE Committee on RESOURCES.

IS HR 624

SPONSOR: Camp (R)
TITLE: Federal Water Pollution Control Act
INTRODUCED: 02/08/2005
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY:

To amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

STATUS:

07/13/2005 From HOUSE Committee on TRANSPORTATION AND INFRASTRUCTURE:
Reported.

JS HR 2864

SPONSOR: Young D (R)
TITLE: Conservation and Development of Water
INTRODUCED: 06/13/2005
LAST AMEND: 07/14/2005
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Provides for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATUS:

07/18/2005 In SENATE. Read second time.
07/18/2005 In SENATE. Placed on SENATE Legislative Calendar.

US HR 4560

SPONSOR: Duncan (R)
TITLE: Federal Water Pollution Control Act
INTRODUCED: 12/15/2005
DISPOSITION: Pending
LOCATION: Multiple Committees
SUMMARY:

Amends the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

STATUS:

01/03/2006 In HOUSE Committee on RESOURCES: Referred to Subcommittee on FISHERIES AND OCEANS.

REPORT

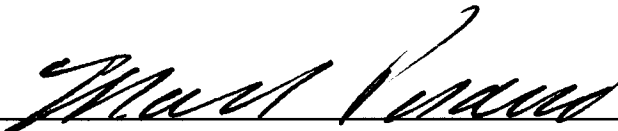
DATE: June 1, 2006

TO: Energy and Environment Committee

FROM: Solid Waste Task Force
Jacob Lieb, Acting Lead Regional Planner, (213) 236-1921, lieb@scag.ca.gov

SUBJECT: Assembly Bill 2176 (Niello)

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Recommend support

SUMMARY

While current law requires that the State of California reimburse local agencies for State mandated local programs, in many cases mandated activities are not eligible for reimbursement due to real or presumed authority for the local agency to charge a fee. This legislation would require the legislature to specify what fees can be charged, and whether any fee would be sufficient to cover mandated costs before making programs ineligible for reimbursement.

BACKGROUND:

The California Constitution requires reimbursement of State mandated local programs. However, the State often is able to avoid reimbursement by granting or referencing fee authority for the local agency performing the mandated function. This issue arises in many instances for local governments in the Southern California region including in housing planning, and notably in the management of solid waste programs and facilities. The proposed legislation would require the State to analyze the ability of the local agency to produce fee based revenue prior to making any program ineligible for State reimbursement.

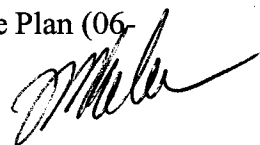
Solid Waste management and disposal continues to be a serious issue facing the Southern California region. SCAG has provided on-going planning and leadership in this area under the Solid Waste Task Force. Additionally, SCAG is preparing a Solid and Hazardous Waste Chapter as part of its Regional Comprehensive Plan.

The Solid Waste Task Force, at its April 25 meeting, recommended that the Energy and Environment Committee and the Regional Council support the bill.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action. SCAG's activities in solid waste planning are included in the Overall Work Program as part of the Regional Comprehensive Plan (06-035.scgs1)

Attachment:
Text of bill



AMENDED IN ASSEMBLY MAY 3, 2006
AMENDED IN ASSEMBLY APRIL 24, 2006
AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2176

Introduced by Assembly Member Niello

February 21, 2006

An act to amend Section 17556 of, and to add Section 17556.1 to, the Government Code, relating to state mandates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Niello. State mandates.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions require the Commission on State Mandates to make that reimbursement according to specified procedures and direct the commission not to provide reimbursement if, after a hearing, it finds, among other things, that the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

This bill would provide that, with respect to a statute that states that it does not impose a mandate for which costs are reimbursable by the state because the local agency or school district to which the statute applies has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service, the Legislature shall specify upon whom the charge, fee, or assessment may be levied ~~and provide a reasonable estimate as to whether the charge, fee, or assessment will generate funds sufficient to~~

~~pay the costs the local agency or school district will incur to provide the mandated program or increased level of service.~~ It also would authorize the commission to find that an agency's or school district's costs of providing the mandated program or increased level of service that exceed the amount of funds generated by charges, fees, or assessments shall be reimbursable by the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17556 of the Government Code is
2 amended to read:
3 17556. The commission shall not find costs mandated by the
4 state, as defined in Section 17514, in any claim submitted by a
5 local agency or school district, if, after a hearing, the commission
6 finds that:
7 (a) The claim is submitted by a local agency or school district
8 that requested legislative authority for that local agency or school
9 district to implement the program specified in the statute, and
10 that statute imposes costs upon that local agency or school
11 district requesting the legislative authority. A resolution from the
12 governing body or a letter from a delegated representative of the
13 governing body of a local agency or school district that requests
14 authorization for that local agency or school district to implement
15 a given program shall constitute a request within the meaning of
16 this paragraph.
17 (b) The statute or executive order affirmed for the state a
18 mandate that had been declared existing law or regulation by
19 action of the courts.
20 (c) The statute or executive order imposes a requirement that
21 is mandated by a federal law or regulation and results in costs
22 mandated by the federal government, unless the statute or
23 executive order mandates costs that exceed the mandate in that
24 federal law or regulation. This subdivision applies regardless of
25 whether the federal law or regulation was enacted or adopted
26 prior to or after the date on which the state statute or executive
27 order was enacted or issued.
28 (d) The local agency or school district has the authority to levy
29 service charges, fees, or assessments sufficient to pay for the

1 mandated program or increased level of service as provided in
2 Section 17556.1, except that costs of providing the mandated
3 program or increased level of service that exceed the amount of
4 funds generated by charges, fees, or assessments shall be
5 reimbursable by the state.

6 (e) The statute, executive order, or an appropriation in a
7 Budget Act or other bill provides for offsetting savings to local
8 agencies or school districts that result in no net costs to the local
9 agencies or school districts, or includes additional revenue that
10 was specifically intended to fund the costs of the state mandate in
11 an amount sufficient to fund the cost of the state mandate.

12 (f) The statute or executive order imposes duties that are
13 necessary to implement, reasonably within the scope of, or
14 expressly included in a ballot measure approved by the voters in
15 a statewide or local election. This subdivision applies regardless
16 of whether the statute or executive order was enacted or adopted
17 before or after the date on which the ballot measure was
18 approved by the voters.

19 (g) The statute created a new crime or infraction, eliminated a
20 crime or infraction, or changed the penalty for a crime or
21 infraction, but only for that portion of the statute relating directly
22 to the enforcement of the crime or infraction.

23 SEC. 2. Section 17556.1 is added to the Government Code, to
24 read:

25 17556.1. With respect to any statute that states that it does not
26 impose a mandate for which costs are reimbursable by the state
27 because the local agency or school district to which the statute
28 applies has the authority to levy service charges, fees, or
29 assessments sufficient to pay for the mandated program or
30 increased level of service, as described in subdivision (d) of
31 Section 17556, ~~the Legislature shall do both of the following: the~~
32 *Legislature shall specify upon whom the charge, fee, or*
33 *assessment may be levied.*

34 ~~(a) Specify upon whom the charge, fee, or assessment may be~~
35 ~~levied.~~

36 ~~(b) Provide a reasonable estimate as to whether the charge,~~
37 ~~fee, or assessment will generate funds sufficient to pay the costs~~

- 1 ~~the local agency or school district will incur to provide the~~
- 2 ~~mandated program or increased level of service.~~

O

REPORT

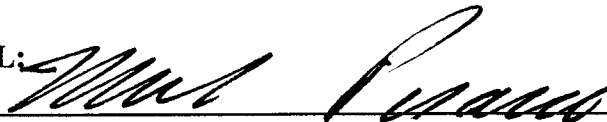
DATE: June 1, 2006

TO: Energy and Environment Committee

FROM: Solid Waste Task Force
Jacob Lieb, Acting Lead Regional Planner, (213) 236-1921, lieb@scag.ca.gov

SUBJECT: Assembly Bill 2296 (Montanez)

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Recommend support

SUMMARY

While current law requires that owners of landfills be responsible for on-going maintenance of closed facilities, there are often no dedicated resources for this purpose. The State of California is potentially liable for substantial costs in maintaining closed facilities. This bill would require landfill owners to assure on-going financial responsibility.

BACKGROUND:

Solid Waste management and disposal continues to be a serious issue facing the Southern California region. SCAG has provided on-going planning and leadership in this area under the Solid Waste Task Force. Additionally, SCAG is preparing a Solid and Hazardous Waste Chapter as part of its Regional Comprehensive Plan.

Among the issues addressed by the Task Force is the on-going safety and potential environmental impact of facilities in the solid waste management system. This legislation addresses a current gap in that system by requiring financial responsibility of owners of landfills. The Solid Waste Task Force, at its April 25 meeting, recommended that the Energy and Environment Committee and the Regional Council support the bill.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended action. SCAG's activities in solid waste planning are included in the Overall Work Program as part of the Regional Comprehensive Plan (06-035.scgs1)

Attachment:
Text of bill

AMENDED IN ASSEMBLY MAY 3, 2006
AMENDED IN ASSEMBLY MARCH 27, 2006
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2296

Introduced by Assembly Member Montanez

February 22, 2006

An act to amend Sections 43500, 43501, 43502, 43505, 43506, 43509, 43510, 43600, 43601, 43602, 43606, and 43610.1 of, ~~and to add Section 43611 to,~~ the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2296, as amended, Montanez. Solid waste: landfill: closure, postclosure maintenance, and corrective action.

(1) The California Integrated Waste Management Act of 1989 requires a person owning or operating a solid waste landfill to submit to the California Integrated Waste Management Board (board), the appropriate California regional water quality control board (regional water board), and the local enforcement agency, a closure plan and a postclosure maintenance plan for the solid waste landfill. The act requires that person to also submit to the board evidence of financial ability in an amount, as specified, to provide for closure and postclosure maintenance contained in the closure and postclosure maintenance plans for the landfill.

This bill would require a person owning or operating a solid waste landfill to also submit a plan for corrective action, as the bill would define that term, for the solid waste landfill, to the board, the regional water board, and the local enforcement agency, as specified. The bill

would require the person also to submit to the board evidence of financial ability to provide for closure, postclosure maintenance, and corrective action, as specified. The bill would make related changes regarding the submittal and approval of a corrective action plan, cost estimates for corrective action, and financial assurances.

The bill would make conforming changes.

The bill would require the board to adopt regulations on or before January 1, 2008, that would require closure, postclosure maintenance, and corrective action cost estimates to be based on ~~cost~~ *costs* the state may incur if the state would have to assume responsibility for those activities due to the failure of the owner or operator, as specified. The bill would require the board to adopt other, related regulations.

To the extent the bill would impose new duties on a local enforcement agency with respect to the corrective action plan, the bill would impose a state-mandated local program.

~~The bill would provide that the Legislature intends to enact legislation to require an enforcement agency to provide a public notice and conduct a public hearing when a solid waste facility operator proposes to change the design or operation of an existing permitted facility that would require the operator to obtain a new solid waste facilities permit that is different from the permit that he or she holds.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 43500 of the Public Resources Code is
- 2 amended to read:
- 3 43500. (a) The Legislature hereby finds and declares that the
- 4 long-term protection of air, water, and land from pollution due to
- 5 the disposal of solid waste is best achieved by requiring financial
- 6 assurances of the costs of closure, postclosure maintenance, and
- 7 corrective action of solid waste landfills.

1 (b) (1) As used in this article and Article 4 (commencing with
2 Section 43600) "corrective action" means the required response
3 to all known or reasonably foreseeable releases of pollution to
4 the environment.

5 (2) As used in paragraph (1), the response includes, but is not
6 limited to, the replacement of the final cover at an interval not
7 less frequently than the covers are guaranteed, and the repair of
8 clogged leachate collection lines, based upon an investigation of
9 the frequency of blockages that cannot be cleaned out and field
10 data on the cost of repairing clogged lines.

11 SEC. 2. Section 43501 of the Public Resources Code is
12 amended to read:

13 43501. (a) A person owning or operating a solid waste
14 landfill, as defined in Section 40195.1, shall do both of the
15 following:

16 (1) Upon application to become an operator of a solid waste
17 facility pursuant to Section 44001, certify to the board and the
18 local enforcement agency that all of the following have been
19 accomplished:

20 (A) The owner or operator has prepared an initial estimate of
21 closure, postclosure maintenance, and corrective action costs.

22 (i) The board shall adopt regulations that provide for an
23 increase in the initial closure, postclosure maintenance, and
24 corrective action cost estimates to account for cost overruns due
25 to unforeseeable circumstances, and to provide a reasonable
26 contingency comparable to that which is built into cost estimates
27 for other, similar public works projects.

28 (ii) The board shall adopt regulations on or before January 1,
29 2008, that require closure, postclosure maintenance, and
30 corrective action cost estimates to be based on costs the state may
31 incur if the state would have to assume responsibility for the
32 closure, postclosure maintenance, or corrective action due to the
33 failure of the owner or operator. Cost estimates shall include, but
34 not be limited to, prevailing wages as determined by the Director
35 of Industrial Relations pursuant to the Labor Code, and the
36 replacement and repair costs for longer lived items, including,
37 but not limited to, repair of the environmental control systems.
38 Cost estimates shall be detailed to identify the maintenance costs,
39 repair costs, and replacement costs throughout the postclosure

1 maintenance and corrective action period of the solid waste
2 landfill.

3 (B) The owner or operator has established a trust fund or
4 equivalent financial arrangement acceptable to the board, as
5 specified in Article 4 (commencing with Section 43600).

6 (C) The amounts that the owner or operator will deposit
7 annually in the trust fund or equivalent financial arrangement
8 acceptable to the board will ensure adequate resources for
9 closure, postclosure maintenance, and corrective action.

10 (2) Submit to the regional water board, the local enforcement
11 agency, and the board a plan for the closure of the solid waste
12 landfill, a plan for the postclosure maintenance of the solid waste
13 landfill, and a plan for corrective action for the solid waste
14 landfill.

15 (b) Notwithstanding subparagraph (C) of paragraph (1) of
16 subdivision (a) or any other provision of law, if the owner or
17 operator is a county with a population of 200,000 or less, as
18 determined by the 1990 decennial census, the county shall not be
19 required to make annual deposits in excess of the amount
20 required by the federal act or any other applicable federal law, or
21 by any board-approved formula that meets the requirements of
22 the federal act.

23 (c) If not in conflict with federal law or regulations, a county
24 or city may, with regard to a solid waste landfill owned or
25 operated by the county or city, base its estimate of closure and
26 postclosure maintenance costs on the costs of employing county
27 or city employees or persons under contract with the county or
28 city in performing closure and postclosure maintenance.
29 However, even if, to meet federal requirements, the ~~costs~~ cost
30 estimate is based on the most expensive costs of closure and
31 postclosure maintenance performed by a third party, the county
32 or city may, to effect cost savings, employ county or city
33 employees or employ persons under contract to actually perform
34 closure operations or postclosure maintenance operations.

35 SEC. 3. Section 43502 of the Public Resources Code is
36 amended to read:

37 43502. All documentation relating to the preparation of the
38 closure, postclosure maintenance, and corrective action costs
39 shall be retained by the owner or operator and shall be available

1 for inspection by the board or the enforcement agency at
2 reasonable times.

3 SEC. 4. Section 43505 of the Public Resources Code is
4 amended to read:

5 43505. The closure plan, the postclosure maintenance plan,
6 and the corrective action plan may be revised only upon the filing
7 of a written application therefor by the owner or operator, and the
8 approval, or amendment and approval, by the board.

9 SEC. 5. Section 43506 of the Public Resources Code is
10 amended to read:

11 43506. (a) After receiving a complete closure plan,
12 postclosure maintenance plan, and corrective action plan, the
13 regional water board shall approve or disapprove the plans
14 pursuant to the authority and time schedules specified in Division
15 7 (commencing with Section 13000) of the Water Code. The
16 board shall incorporate the action of the regional water board and
17 shall only approve plans that include an acceptable mechanism
18 for providing the necessary funds to implement the plans.

19 (b) In reviewing closure plans, postclosure maintenance plans,
20 and corrective action plans pursuant to this section, the regional
21 water boards shall review and take action on those portions of the
22 plans that are related to the protection of the waters of the state
23 and the board shall review and take action on the remaining
24 portions of the plans.

25 SEC. 6. Section 43509 of the Public Resources Code is
26 amended to read:

27 43509. (a) The board, in consultation with the state water
28 board and in compliance with Section 40055, shall adopt and
29 amend regulations specifying closure plan, postclosure
30 maintenance plan, and corrective action plan adoption procedures
31 and uniform standards to implement Section 43601. Regulations
32 adopted pursuant to this section shall not include standards and
33 requirements contained in regulations adopted by the state water
34 board pursuant to Division 7 (commencing with Section 13000)
35 of the Water Code. The regulations shall also require solid waste
36 landfill owners or operators to calculate, and periodically revise,
37 cost estimates for closure, postclosure maintenance, and
38 corrective action, for as long as the solid waste could have an
39 adverse effect on the quality of the waters of the state, but not

1 less than 30 years after closure unless all wastes are removed in
2 accordance with federal and state law.

3 (b) The board may adopt regulations that authorize the
4 adoption of both preliminary and final closure, postclosure
5 maintenance, and corrective action plans. Regulations for
6 preliminary closure, postclosure maintenance, and corrective
7 action plans may require less specificity and engineering detail
8 than final closure, postclosure maintenance, and corrective action
9 plans, and these regulations shall apply only in those cases in
10 which there is reasonable certainty that the solid waste landfill
11 will not close for at least one year following approval of the
12 plans. Preliminary closure, postclosure maintenance, and
13 corrective action plans shall provide sufficient detail to enable
14 the owner or operator and the board to accurately estimate the
15 costs for closure, postclosure maintenance, and corrective action.

16 (c) If a solid waste landfill owner or operator has submitted a
17 closure plan, postclosure maintenance plan, and corrective action
18 plan that satisfies the requirements of this chapter, and that has
19 been approved by the local enforcement agency, the board, and
20 the appropriate regional water board, the plans shall be deemed
21 to have satisfactorily complied with all state requirements for the
22 adoption of a closure plan, postclosure maintenance plan, and
23 corrective action plan.

24 SEC. 7. Section 43510 of the Public Resources Code is
25 amended to read:

26 43510. The regulations adopted by the board pursuant to this
27 article and Article 4 (commencing with Section 43600) shall not
28 duplicate or conflict with the regulations imposing closure,
29 postclosure maintenance, and corrective action requirements
30 adopted by the state water board, that are found in Chapter 15
31 (commencing with Section 2510) of Division 3 of Title 23 of the
32 California Code of Regulations.

33 SEC. 8. Section 43600 of the Public Resources Code is
34 amended to read:

35 43600. A person owning or operating a solid waste landfill on
36 or after January 1, 1988, shall, with the closure plan, postclosure
37 maintenance plan, and corrective action plan submitted pursuant
38 to Section 43501, submit to the board evidence of financial
39 ability to provide for closure, postclosure maintenance, and
40 corrective action, in an amount that is equal to the estimated cost

1 of closure, a minimum of 30 years of postclosure maintenance,
2 and corrective action, contained in the closure, postclosure
3 maintenance, and corrective action plans submitted. Financial
4 assurance requirements for postclosure maintenance and
5 corrective action shall continue until the waste no longer poses a
6 threat to public health and safety or the environment.

7 SEC. 9. Section 43601 of the Public Resources Code is
8 amended to read:

9 43601. (a) The evidence of financial ability shall be
10 sufficient to meet the closure, postclosure maintenance, and
11 corrective action costs when needed.

12 (b) The owner or operator of a solid waste landfill shall
13 provide evidence of financial ability through the use of any of the
14 mechanisms set forth in Part 258 (commencing with Section
15 258.1) of Title 40 of the Code of Federal Regulations or through
16 the use of any other mechanisms approved by the board.
17 However, the board may adopt regulations that reasonably
18 condition the use of one or more of those mechanisms to ensure
19 adequate protection of public health and safety and the
20 environment, but shall not exclude the use of any mechanism
21 permitted under federal law. In addition, the evidence of financial
22 ability submitted pursuant to Section 43600 shall provide that
23 funds shall be available to the regional water boards upon the
24 issuance of any order under Chapter 5 (commencing with Section
25 13300) of Division 7 of the Water Code to implement closure,
26 postclosure, and corrective action activities.

27 (c) The state water board or the appropriate regional water
28 board shall have access to the financial assurance funds for
29 closure and postclosure activities, and to financial assurance
30 funds for corrective action, as necessary, to address water quality
31 problems, if the owner or operator of the solid waste landfill has
32 failed to implement the required closure and postclosure
33 activities or corrective action activities.

34 (d) The owner or operator may request disbursement for
35 expenditures to conduct closure, postclosure maintenance, or
36 corrective actions from the financial assurance mechanism
37 established for that activity. Requests for disbursement shall be
38 granted by the board only if sufficient funds are remaining in the
39 financial assurance mechanism to cover the remaining approved

1 total costs of closure, postclosure maintenance, or corrective
2 actions, as appropriate.

3 (e) If the evidence of financial ability for closure, postclosure,
4 or corrective action is demonstrated by use of insurance, the
5 board may approve the insurance mechanism if it is in
6 compliance with either paragraph (1) or (2) as follows:

7 (1) The issuer of the insurance policy is either:

8 (A) Licensed by the Department of Insurance to transact the
9 business of insurance in the State of California as an admitted
10 carrier.

11 (B) Eligible to provide insurance as an excess and surplus
12 lines insurer in California through a surplus lines broker currently
13 licensed under the regulations of the Department of Insurance
14 and upon the terms and conditions prescribed by the Department
15 of Insurance.

16 (2) If the insurance carrier is established by a solid waste
17 facility operator to meet the financial assurance obligations of
18 that operator, insurance may be approved by the board that meets
19 all of the following requirements:

20 (A) The insurance mechanism is in full compliance with the
21 requirements for insurance that are specified in subdivision (d) of
22 Section 258.74 of Title 40 of the Code of Federal Regulations.

23 (B) The insurance carrier is an insurer domiciled in the United
24 States and licensed in its state of domicile to write that insurance.

25 (C) The insurance carrier only provides financial assurance to
26 the operator that has established the insurance carrier as a form of
27 self-insurance and does not engage in the business of marketing,
28 brokering, or providing insurance coverage to other parties.

29 (D) The insurance carrier shall maintain a rating of A- or
30 better by A.M. Best, or other equivalent rating by any other
31 agency acceptable to the board.

32 (E) If requested by the board, an independent financial audit
33 report evaluating the assets and liabilities of the insurance carrier
34 and confirming compliance with the statutory and regulatory
35 requirements of the state of domicile and an independent
36 actuarial opinion on the independence and financial soundness of
37 the insurance carrier by an actuary in good standing with the
38 Casualty Actuarial Society or the American Academy of
39 Actuaries regarding the adequacy of the loss reserves maintained

1 by the insurance carrier shall be submitted to the board upon
2 application and annually thereafter.

3 (f) A solid waste ~~facility~~ *landfill* operator using or proposing
4 to use an insurance company to demonstrate financial assurance
5 may be required by the board to pay a fee for the actual and
6 necessary cost of reviewing information submitted by the
7 operator pursuant to paragraph (2) of subdivision (e) up to an
8 amount not to exceed ten thousand dollars (\$10,000), unless a
9 higher amount is mutually agreed to by the operator and the
10 board.

11 (g) The funds collected pursuant to subdivision (f) shall be
12 deposited in the Integrated Waste Management Account and
13 shall be available, upon appropriation by the Legislature, for
14 expenditure by the board to fund the review specified in
15 subdivision (f).

16 SEC. 10. Section 43602 of the Public Resources Code is
17 amended to read:

18 43602. Evidence of financial ability required of an owner or
19 operator of a solid waste landfill shall be adjusted to equal the
20 estimated costs of closure, a minimum of 30 years of postclosure
21 maintenance, and corrective action in the approved plans.
22 Revisions in the plans shall be accompanied by corresponding
23 revisions in cost estimates and financial assurances. Financial
24 assurance requirements for postclosure maintenance and
25 corrective action shall continue until the waste no longer poses a
26 threat to public health and safety or the environment.

27 SEC. 11. Section 43606 of the Public Resources Code is
28 amended to read:

29 43606. (a) Except for financial arrangements approved by
30 the board pursuant to this article, no indemnification, hold
31 harmless, or similar agreement or conveyance is effective to
32 transfer from the owner or operator of a disposal site to any other
33 person any obligations imposed on the owner or operator under
34 this article.

35 (b) Notwithstanding subdivision (a), nothing in this section
36 prohibits an agreement between the owner and the operator
37 regarding their respective obligations for closure, postclosure
38 maintenance, and corrective action of a disposal site, and nothing
39 in this section prohibits a cause of action that an owner or

1 operator has or would have against the other party by reason of
2 that agreement.

3 SEC. 12. Section 43610.1 of the Public Resources Code is
4 amended to read:

5 43610.1. A disposal site owner or operator who meets the
6 requirements of this article and its implementing regulations shall
7 be deemed to have satisfactorily complied with all state
8 requirements for financial ability to provide for closure,
9 postclosure maintenance, and corrective action costs.

10 ~~SEC. 13. Section 43611 is added to the Public Resources~~
11 ~~Code, to read:~~

12 ~~43611. The Legislature intends to enact legislation to require~~
13 ~~an enforcement agency to provide a public notice and conduct a~~
14 ~~public hearing when a solid waste facility operator proposes to~~
15 ~~change the design or operation of an existing permitted facility~~
16 ~~that would require the operator to obtain a new solid waste~~
17 ~~facilities permit that is different from the permit that he or she~~
18 ~~holds.~~

19 ~~SEC. 14:~~

20 ~~SEC. 13.~~ No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of
25 Section 17556 of the Government Code.

MEMO

DATE: June 1, 2006

TO: Energy and Environment Committee

FROM: Jonathan Nadler, Senior Regional Planner

SUBJECT: 2007 South Coast Air Quality Management Plan Update

SUMMARY:

Staff will report to the Committee on the status of the 2007 Air Quality Management Plan (AQMP) for the South Coast Air Basin. SCAG is responsible for preparing the transportation strategy portion of the AQMP, pursuant to the Health and Safety Code.

BACKGROUND:

Pursuant to the federal Clean Air Act, the State Implementation Plan (SIP) demonstrating attainment with the 8-hour ozone standard is due to the U.S. Environmental Protection Agency (EPA) by June 15, 2007. The SIP demonstrating attainment with the PM2.5 standard is due to U.S. EPA by April 5, 2008. The 2007 AQMP being prepared by the three responsible agencies (the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB), and SCAG) will address both these standards and will be submitted to U.S. EPA to meet the June 15, 2007 deadline. The draft AQMP is scheduled to be released in the fourth-quarter of 2006.

SCAG's role in the AQMP process includes providing transportation demand model output data to the SCAQMD for use in airshed modeling and vehicle activity data to CARB for use in developing on-road emission factors. SCAG has recently provided these data to the respective agencies. In addition to this technical data, SCAG is developing the written section of the AQMP which discusses the region's transportation strategy as it relates to air quality. In the coming months, staff will request that the Committee release for public review and comment SCAG's input to the draft AQMP.

MEMO

DATE: June 1, 2006

TO: Energy & Environment Committee

FROM: Don Rhodes, Manager, Government & Public Affairs (ext. 840)

SUBJECT: SB 1266 - Transportation & Air Quality Bond; SCA 7 – Prop. 42 Protection

SUMMARY:

On May 5, 2006, the legislature passed four infrastructure bond bills to the Governor which, upon his signature, will go before the voters on the November ballot. None of the ballot measures are cross-joined with one another, meaning that any one can pass individually, together, or not at all. Once on the ballot, these bond measures require a simple majority of the voters to pass.

The bond measures provide in total **\$37.3285** billion dollars for infrastructure development, which is broken down into four separate bonds in the following amounts:

- Transportation – \$19.925 billion (SB 1266)
- Housing - \$2.85 billion (SB 1689)
- Education - \$10.416 billion (AB 127)
- Flood Protection - \$4.09 billion (AB 140)

Provisions of the transportation bond measure, SB 1266, that are most relevant to this Committee are as follows:

SB 1266 – Transportation & Air Quality Bond **\$19.925 Billion**

Mobility, Transit & Congestion Relief **\$ 17.25 Billion**

- Provides \$4.5 billion high congestion travel corridor improvements – selected by the CTC from projects submitted by the DOT, regional planning agencies & county transportation commissions. All such projects must be part of a regional transportation plan. **Estimated SCAG regional allocation is \$2.2 billion;**
- Provides \$4 billion for rail, bus, & transit improvements – under existing methods of allocation. (Based upon population & fare recovery). **Estimated share to SCAG region is approximately \$1.6 billion;**
- Provides \$1 billion for State Highway 99 Enhancement in the Central Valley, the only project with funds specifically earmarked;
- Provides \$2 billion STIP augmentation – with same N/S distribution as under existing law – according to the CTC annual report, approximately \$3.3 billion of monies diverted from the STIP are Prop 42 funds. **Estimated share to SCAG region is approximately \$650 million;**

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SB 1266 – Transportation & Air Quality Bond (Cont.)

- Provides \$2 billion for Port & Trade Infrastructure, allocated by the CTC after the Secretary of BT&H and Secretary of Environmental Protection develop a trade infrastructure & goods movement plan;
- Provides \$2 billion for local roads and streets. **Estimated share to SCAG region cities and counties is approximately \$870 million;**
- \$1 billion for State-Local Partnership Program;
- \$750 million for SHOPP and ITS.

Safety, Security & Disaster Preparedness

\$1.525 Billion

- Provides \$1 billion for a new program for transit safety & disaster preparedness & other monies in the following areas:
 1. \$100 million for port security,
 2. \$250 million for grade separations,
 3. \$125 million for bridge seismic retrofit.

Air Quality:

\$1.2 Billion

Provides \$1 billion for port air quality, and \$200 million for school bus retrofit.

The estimates of the SCAG regional share of funding from the transportation bond are predicated upon the assumption that existing formulas and allocations will remain substantially unchanged. The total estimated amount of these funds is approximately \$5.3 billion. In addition, there are large amounts of money that are either entirely discretionary by the appropriating authority (such as the CTC), or are to be appropriated by future (trailer) legislation, or for a number of other reasons cannot be reliably estimated at this time. For those funds related to port and trade infrastructure and air quality, given the volume of goods movement in the region, a large share of funding for these areas is anticipated for the region.

SCA 7 – Proposition 42 Funds Protection

The legislature also passed SCA 7, a proposed constitutional amendment which, if passed, will provide limited protection of Prop. 42 funds. SCA 7 requires a simple majority of the vote to pass. It authorizes a suspension of the transfer of the sales tax on motor fuel to the TIF for a fiscal year if all of the following occur:

1. the Governor issues a proclamation that the suspension is necessary due to a severe state fiscal hardship;
2. a statute containing no other unrelated provision is enacted by a 2/3 vote of each house of the Legislature suspending the transfer, and

MEMO

SCA 7 – Proposition 42 Funds Protection (Cont.)

3. a statute is enacted to repay, with interest, the TIF within 3 years for the amount of any revenues that were not transferred as a result of the suspension.

SCA 7 would also prohibit the suspension of transfer of these revenues from occurring more than twice during any 10 consecutive fiscal years, and would prohibit a suspension in any fiscal year in which a required repayment from a prior suspension has not been fully completed.

It also provides for repayment of all previously borrowed funds by 2016.

BACKGROUND:

Infrastructure development has been a stated priority of the Governor's administration, as outlined in its Strategic Growth Plan released at the beginning of this year. Likewise, Senator Perata has spearheaded the legislative effort to invest in California's infrastructure since last year. Negotiations to put a more ambitious \$68 billion bond package (with leveraged funds in excess of \$220 billion) on the June ballot broke down in March, with negotiations quietly resuming in late April. Passage from the legislature of this infrastructure bond package is the result of a lengthy negotiation process between the Governor and both parties in both chambers of the legislature.

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